

Remarks

Claims 1 – 32 are pending. Claims 1 – 32 are rejected. Claims 1, 3, 8, 10, 15, 17, 23 – 25, 27, and 30 have been amended. Claims 2, 9, 16, and 22 have been canceled. Applicants respectfully traverse the rejection and request allowance of claims 1, 3 – 8, 10 – 15, 17 – 21, and 23 – 32.

An RCE has been requested.

Claims 1 – 3, 5 and 24 – 26 are rejected under 35 USC 102(b) as being anticipated by Connolly et al (5,325,419). Claim 1 requires a first wireless device that redirects an incoming call to a second device when the first wireless device receives an alert message. The first wireless device redirects the incoming call, in response to the alert message, by sending a response message to the SCP telling the SCP where to send the incoming call. In the advisory action in the response to arguments section, the examiner has cited column 28 lines 42 – 56 of Connolly et al to show the portable handset terminal as the initiating device. The section cited by the examiner is a description of an Outgoing call (see column 28 lines 48 – 49). Claim 1 has the limitation that it is for an incoming call. Column 31 is a description of an outgoing call but does not teach forwarding the incoming call to a second device in response to an alert message as required by claim 1.

The examiner, in the office action dated September 29, 2004, has cited column 36 lines 48 – 61 where the user in Connolly has subscribed to a call forwarding service as an example of a first device redirecting an incoming call to a second device. The cited text indicates the SCP in Connolly determines if the user has subscribed to a call forwarding service on a no answer condition and that the SCP sends “a forward call message to PSC2” (Column 36 lines 48 – 50, and lines 53 – 58). The forward call message contains the called party ID to which the PSC2 is instructed to forward the call.

The PSC2 is not a wireless device, the PSC2 is a PCS switching center (see bottom of figure 2 for PSC definition) that corresponds to item 16 in figure 1. Handsets 12 in figure 1 correspond to the first wireless device in the current application. The handset in Connolly does not send a message to the SCP telling the SCP where the call should be redirected to in response to an alert message. The handset in Connolly does not detect the no answer condition, the portable communication system switching center (PSC2) detects

the no answer condition when a ringing timeout time expires (Column 34 lines 20 – 21). The PSC2 notifies the SCP in Connolly that a no answer condition exists and then the SCP determines what to do. Even the examiner states that it is the SCP in Connolly that redirects the incoming call to another device (See the last 3 lines on page 19 of the current office action). The wireless device (the handset 12) in Connolly does not send the message to the SCP, in fact the handset in Connolly does not even know that a “no answer” condition exists, and therefore does not take any action in response to the incoming call that causes the incoming call to be redirected. The handset may have taken an action before the incoming call was received to turn on the call forwarding service. But claim 1 requires that it is the first wireless device that redirects the call in response to an alert message identifying the incoming call.

Figure 11 and the descriptive text are a “time sequence diagrammatic flowchart illustrating an incoming call to an intelligent portable handset terminal” (column 31, lines 4 – 6). The sequence of messages shown in figure 11 between the SCP and the portable handset end up with the incoming call connected to the portable handset (see column 34, lines 4 – 5) not to a second device.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Here, the cited art does not teach having a first wireless device redirect an incoming call to a second device in response to an alert message, therefore the cited prior art does not fulfill the requirements for a *prima facie* case of anticipation. Therefore claim 1 is allowable as written.

Claims 3 – 7 are dependent on allowable claim 1 and are therefore allowable.

The arguments for claim 1 (above) apply to claim 24. Therefore claim 24 is allowable.

Claims 25 and 26 are dependent on allowable claim 24 and are therefore allowable.

Claims 8 – 10, 12, 15 – 17, 19 and 22 – 23 are rejected under 35 USC 103(a) as being unpatentable over Connolly et al (5,325,419) in view of Torba et al (6,563,788).

Nether Connolly nor Torba teach having a first wireless device redirect an incoming call to a second device in response to an alert message. Therefore the arguments for claim 1 (above) apply to claim 8 and claim 8 is allowable as written.

Claims 10 – 14 are dependent on allowable claim 8 and are therefore allowable.

The arguments for claim 8 (above) apply to claim 15. Therefore claim 15 is allowable.

Claims 17 – 21, and 23 are dependent on allowable claim 15 and are therefore allowable.

Claims 27 – 29 are rejected under 35 USC 103(a) as being unpatentable over Connolly et al (5,325,419) in view of Criss et al (6,643,506).

Nether Connolly nor Criss teach having a first wireless device redirect an incoming call to a second device in response to an alert message. Therefore the arguments for claim 1 (above) apply to claim 27 and claim 27 is allowable as written.

Claims 28 and 29 are dependent on allowable claim 27 and are therefore allowable.

Claims 30 – 32 are rejected under 35 USC 103(a) as being unpatentable over Connolly et al (5,325,419) in view of Janow et al (6,061,570).

Nether Connolly nor Janow teach having a first wireless device redirect an incoming call to a second device in response to an alert message. Therefore the arguments for claim 1 (above) apply to claim 30 and claim 30 is allowable as written.

Claims 31 and 32 are dependent on allowable claim 30 and are therefore allowable.

Applicants submit that there are numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted in the interests of brevity. Applicants respectfully request allowance of claims 1, 3 – 8, 10 – 15, 17 – 21, and 23 – 32.


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